

REMARKS

Applicants thank the Patent Office for acknowledging Applicants' claim to foreign priority, and for indicating that the certified copy of the priority document, European Patent Application No. 00440117.0 dated April 28, 2000, has been made of record in the file.

Applicants thank the Patent Office for initialing the references listed on the PTO-1449 form submitted with the Information Disclosure Statement filed on April 19, 2001, thereby confirming that the listed references have been considered.

Claims 1-9 have been examined on their merits.

Applicants herein cancel claim 7 without prejudice and/or disclaimer.

Claims 1-6, 8 and 9 are all the claims presently pending in the application.

1. Claims 1-9 stand rejected under 35 U.S.C. § 102(e) as allegedly being unpatentable over Ganz *et al.* (U.S. Patent No. 6,049,549). The rejection of claim 7 is now moot due to its cancellation. Applicants respectfully traverse the § 102(e) rejection of claims 1-6, 8 and 9 for at least the reasons discussed below.

To support a conclusion that a claimed invention lacks novelty under 35 U.S.C. § 102, a single source must teach all of the elements of a claim. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1379, 231 U.S.P.Q. 81, 90 (Fed. Cir. 1986). A claim is anticipated only if each and every element as set forth in the claim is found either expressly or inherently in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). A single source must disclose all of the claimed

elements arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Thus, the cited reference must clearly and unequivocally disclose every element and limitation of the claimed invention.

Ganz et al. fail to teach or suggest at least a maximum time interval that, upon reception of a silence indication, is increased by a value dependent upon a duration of an inactivity period, as recited in claim 1. *Ganz et al.* disclose, *inter alia*, a polling manager and a resource allocation manager. The polling manager utilizes just-in-time polling of mobile stations based on their allocation bandwidth. The mobile stations that do not use their allocated bandwidth are polled less often than those that use their allocated bandwidth, thereby increasing the total throughput of the system. *Ganz et al.* further disclose that the state index (*i.e.*, the polling frequency per cycle) is increased by a predefined value, *e.g.*, 1, upon reception of a Nothing To Send message from a session. *See* col. 10, lines 13-30 of *Ganz et al.* With respect to claim 1, however, *Ganz et al.* fail to teach or suggest at least that, upon reception of a silence indication, a maximum time interval that is increased by a value dependent upon a duration of an inactivity period.

Based on the foregoing reasons, Applicants submit that claim 1 is allowable over *Ganz et al.*, and further submit that claims 2-6 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office reconsider and withdraw the § 102(e) rejection of claims 1-6.

With respect to independent claim 8, Applicants submit that claim 8 is allowable for at least reasons analogous to those discussed above with respect to claim 1. Applicants submit that claim 8 is allowable over *Ganz et al.*, and further submit that claim 9 is allowable as well, at least


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by virtue of its dependency from claim 8. Applicants respectfully request that the Patent Office reconsider and withdraw the § 102(e) rejection of claims 8 and 9.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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